



Public Service Commission

State of North Dakota

COMMISSIONERS

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Randy Christmann
Brian P. Kalk

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January 12, 2016

Mr. Jeff Fleischman, Chief
Denver Field Division
Office of Surface Mining
P.O. Box 11018
Casper WY 82602-5004

RE: Request for Authorization to Proceed for 2016 Bowman (Fox Hole) Project and Requests for Concurrence for 2016 Wilton and 2015-16 Sinkhole Filling Projects in North Dakota.

Dear Mr. Fleischman:

Please find enclosed documentation to support our Request for Authorization to Proceed with the 2016 Bowman Project. An environmental assessment, an eligibility determination letter and other data are attached for this proposed project.

We are also planning an additional phase (Phase 2) for the Wilton Project and continuation of the 2015-16 sinkhole filling project. The scope of work and project locations for the Wilton project will be unchanged from those approved in 2015. The scope of work and locations for the 2015 Sinkhole Filling Project will depend on where dangerous abandoned underground mine subsidence occurs; but we anticipate subsidence will occur mainly in locations where previous reclamation has been approved.

We believe no formal requests for authorization to proceed are needed to continue work on the 2016 Wilton Phase 2 and 2015-16 Sinkhole Filling Projects but request your concurrence that we are already authorized to proceed on them. We will continue to consult with your office on any emergency projects or other projects that require rapid response. We are in the process of updating the environmental assessment for sinkhole filling work and expect to complete and forward to you in 2016.

We have requested concurrence for our proposed 2016 Bowman Project from the State Historical Society of North Dakota, U.S. Fish and Wildlife Service, North Dakota Parks

- 1 AM-16-26 Filed 01/12/2016 Pages: 35
Request for the Authorization to Proceed submitted to OSM
Public Service Commission
Bill Dodd
- 1 AM-16-25 Filed 01/12/2016 Pages: 35
Request for the Authorization to Proceed submitted to OSM

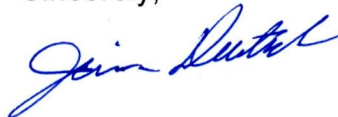
Mr. Jeffrey Fleischman
January 12, 2016
Page 2 of 3

and Recreation Department, and the North Dakota Department of Health. Copies of our letters are attached. We will send responses to these letters as we receive them. Since no off-site pit dewatering is planned and all runoff from areas to be affected at the Bowman project site will flow into abandoned mine pits, consultation with the Army Corps of Engineers is not needed.

No public meetings are scheduled in 2016. Public meetings were held January 15, 2015, at Wilton and January 27, 2015, at Bowman, and they should be sufficient. All affected property owners for our proposed 2016 AML projects have been contacted and consents for right-of-entry will be executed before any work begins.

AMLIS Problem Area Descriptions for the sites are also attached. If additional information is needed or you have any questions, feel free to call Bill Dodd at 701-328-4101 or me at 701-328-2251.

Sincerely,



James R. Deutsch
Director
Reclamation and AML Divisions

Enclosures

List of Attachments

1. Brief Narratives About the Proposed 2016 Projects
2. Standardized Environmental Assessment for 2016 Bowman (Fox Hole) AML Project.
3. December 2015 Photos of the 2016 Bowman (Fox Hole) AML Project Site.
4. Requests for Concurrence for 2016 proposed AML Projects and responses received to date
 - ND State Historical Society (no response received to date)
 - ND Department of Health (no response received to date)
 - ND Parks & Recreation Department (no response received to date)
 - U.S. Fish and Wildlife Service (no response received to date)
5. Eligibility Determination for 2016 Bowman Project.
6. AMLIS PAD Summaries for Proposed 2016 Project Sites.

PAD No.	Location	Project
ND001	Wilton	2016 Wilton Phase 2
ND041	Bowman (FoxHole)	2016 Bowman Project

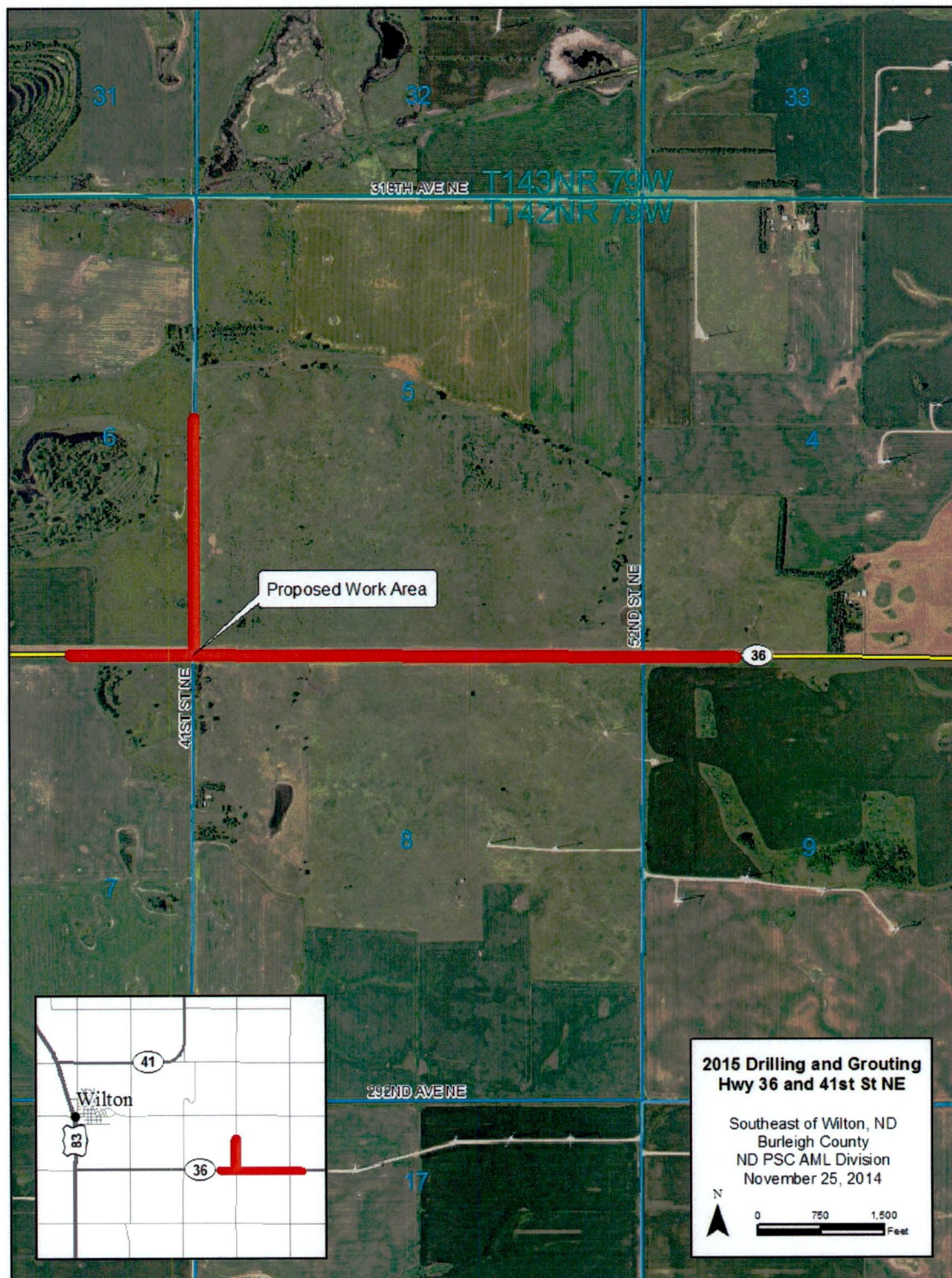
2016 North Dakota AML Project Narratives
Excerpt from the draft North Dakota AML grant application

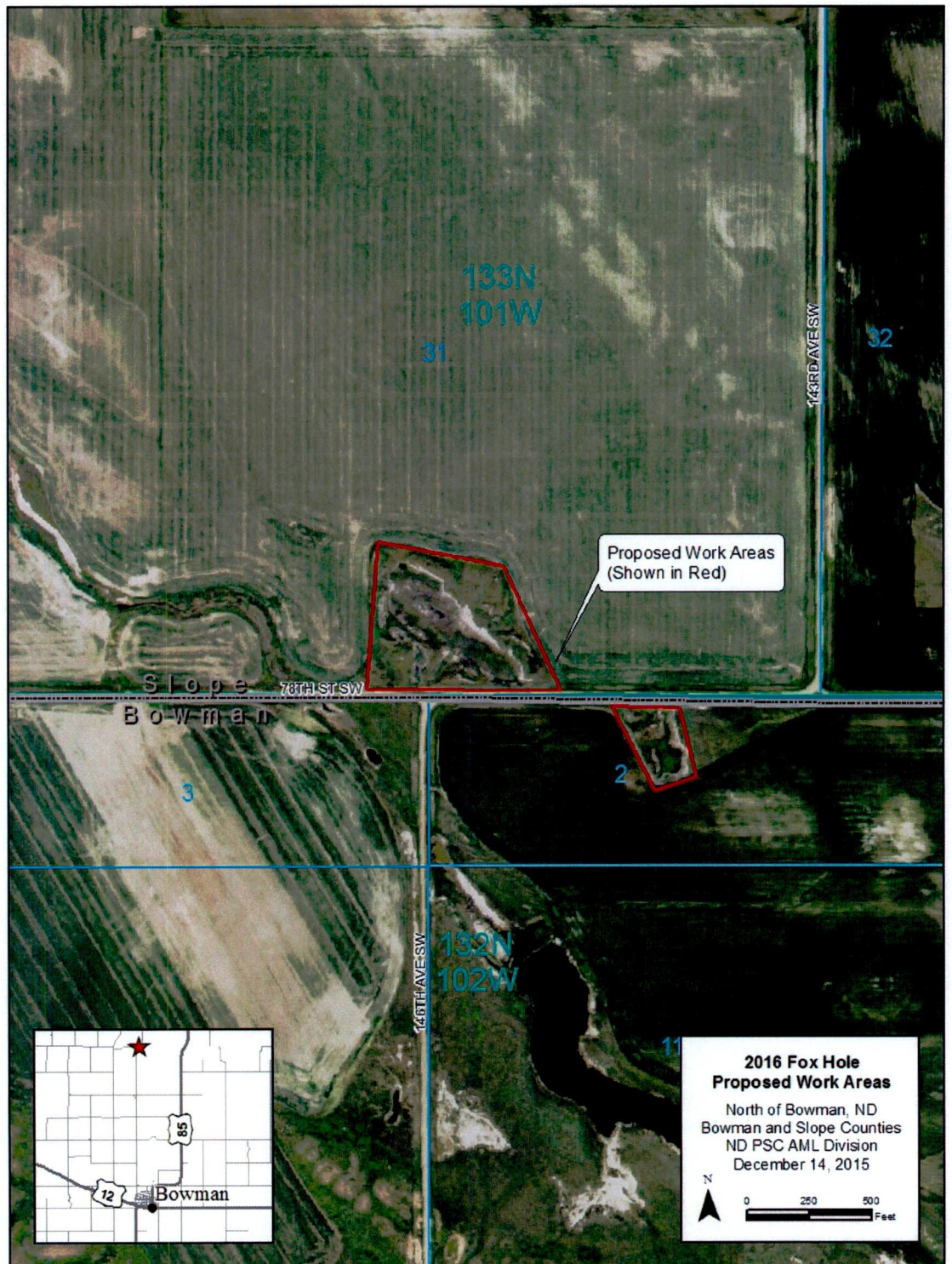
The following projects are proposed for reclamation during the 2015 construction season:

Wilton Phase 2: This project will be a continuation of work begun in 2015 drilling and pumping pressurized grout into collapsed underground mine workings. The sites are mainly under public roads southeast of Wilton, ND, in Burleigh County. This project will include rotary drilling, casing drill holes where voids are found, pumping of grout, and grout testing. It is estimated that 7,500 cubic yards of grout will be pumped into mine voids and about 20,000 feet of drilling will be needed in these areas. The estimated project cost is \$1,500,000.

Bowman (Fox Hole): This 10 acre project will eliminate about 1,100 feet of hazardous highwalls at abandoned surface mine sites located in Bowman and Slope Counties approximately six miles north of the city of Bowman, ND, in Bowman and Slope Counties. These AML sites are characterized by steep highwalls that are approximately 25 feet high. The proposed reclamation work involves backfilling the highwalls with earthen material from adjacent spoil piles. About 40,000 cubic yards of spoil material will need to be moved in the reclamation process. The estimated project cost is \$200,000.

Sinkhole Filling and Construction Maintenance: Some of the available construction funds, about \$100,000, will be used for a maintenance project to backfill hazardous sinkholes that have been caused by underground mines. These funds may also be used to repair erosion and conduct other maintenance on reclaimed surface mine sites. If necessary, some of these funds will be used for emergency projects.





STANDARDIZED ENVIRONMENTAL ASSESSMENT

**Fox Hole Abandoned Mine Lands Sites
ND000041
Bowman and Slope Counties, North Dakota**

Prepared by

North Dakota Public Service Commission

In Cooperation With

**United States Department of Interior
Office of Surface Mining Reclamation and Enforcement
Casper Field Office**

December 2015

Section 1 Introduction

A. Need for the Action

The Fox Hole problem area is located about six miles north of the city of Bowman (population 1650) in the NW¼ of the NW¼ of Section 2, T132N, R102W, Bowman County and the S½ of the SE¼ of Section 31, T133N, R101W, Slope County, North Dakota (see attached map).

Abandoned mine lands (AML) sites at this location include two abandoned surface coal mine pits with steep highwalls and several associated spoil piles, directly adjacent to and on either side of a county road. The approximate total area of the Fox Hole problem area is ten (10) acres. There have been no instances of death or personal injury attributable to the abandoned mines; however, the potential is inherent due to the location and characteristics of the abandoned mines. Surface ownership at the Fox Hole AML sites are private.

The principal objective of the Public Service Commission (PSC), Abandoned Mine Lands (AML) Division, is to reclaim hazardous abandoned coal mines.

B. Project Background

A public meeting was held in Bowman January 27, 2015, to discuss AML Reclamation plans. At that meeting, property owner, Wayne Wegner, mentioned abandoned surface mine pits located on either side of the Bowman and Slope county line road six miles north of Bowman. Jim Deutsch, Joan Breiner and Bill Dodd of the AML Division met Wayne the next day and inspected the site. This site includes surface mine pits and spoil piles directly on either side of the county line road, 78th Street SW. The total length of dangerous highwalls is about 1100 feet; with approximately 700 feet on the north side of the county line in Slope County, and 400 feet on the south side in Bowman County. Both highwalls are steep with a maximum height of about 25-30 feet and both highwalls abut against the road ditches. Wayne asked if the abandoned surface mines at this site could be reclaimed. He felt they were dangerous and unproductive because of the steep highwall slopes and spoil piles. The abandoned surface coal mine pits at the Fox Hole Problem Area are hazardous especially because of their locations directly on either side of a public road.

The mines on the Fox Hole problem area are listed on the North Dakota inventory of abandoned mines (see attachment) but no details are provided except their location. The USGS GeoComm National Mine Land Inventory lists a Nelson Mine and Twin Butte Mine near this location. Wayne Wegner said his father hauled coal from this mine and he believed mining took place in the 1930s. He thought it may have been called the Nelson Mine and remembered some Nelsons who owned property nearby. Based on historical imagery, we know the mining occurred prior to 1957.

Current land use near the Fox Hole problem area is agricultural, mostly cropland; however, the highwalls are too steep to be farmed and the pit and adjacent spoils can only be used for limited grazing and haying. These areas could also occasionally be used by hunters and outdoorsmen.

The anticipated land uses of the area will likely remain agricultural after reclamation activities.

Section II

Description of the Proposed Project and Alternatives

Reclamation work at the proposed 2016 Bowman Project would include removing and stockpiling topsoil and other suitable strata from the area, backfilling pits and highwalls with spoil material to reduce highwall slopes and blend into adjacent topography, resspreading topsoil and seeding. All areas affected will be reseeded with locally adapted grass species native to western North Dakota. No pit dewatering is planned and erosion and sedimentation will be controlled. The total area affected by this project will be approximately ten (10) acres.

Other options include fencing hazardous areas, placing guardrails along the highwalls, and no action. These options do not, in themselves, solve the AML problems present at the site and were not considered viable options.

Section III Existing Environmental Documents

OSM-EIS-11. Approval of State and Indian Reclamation Program Grants Under Title IV of the Surface Mining Control and Reclamation Act of 1977 was published by the Office of Surface Mining in November 1983. This EIS describes and analyzes the environmental impacts that were expected to result from approval of State or Tribal Grants. It focuses on the adverse and/or beneficial impacts and standard reclamation activities associated with eight major categories of abandoned coal mine problems in the United States.

The environmental concerns of the proposed project are addressed in an environmental impact statement (EIS) prepared by the Office of Surface Mining Reclamation and Enforcement entitled "Approval of State and Indian Reclamation Program Grants Under Title IV of the Surface Mining Control and Reclamation Act of 1977": (OSM-EIS-11, November 1983). Please reference the following documents for further information.

Chapter III, Affected Environmental Rocky Mountain/Northern Great Plains Region

Section 3.5.2.2, Adverse Impacts Related to Highwalls, pp. III-24
Subsections 3.5.2.2.1, 3.5.2.2.12, pp. III-24 to III-26

Section 3.5.3.2, Adverse Impacts Related to Subsidence, pp. III-29
Subsections 3.5.3.2.1, 3.5.3.2.11, pp. III-29 to III-32

Chapter IV, Environmental Consequences Rocky Mountain/Northern Great Plains Region

Section 4.2.2, Impact Common to Remedial Actions, pp. IV-3 to IV-7

Section 4.3.2 Reclamation of Highwalls, pp. IV-11
Subsection 4.3.2.1, pp. IV-11 to IV-12.

Section 4.3.3 Reclamation of Subsidence, pp. IV-14
Subsection 4.3.3.1, pp. IV-14.

Section IV Site Specific Review

- A. Cultural or historic resource values (the archaeological Resources Protection Act of 1979; the Archaeological and Historic Preservation Act of 1974; the National Historic Preservation Act of 1986, as amended; the Antiquities Act of 1906, Executive Order 11593, concerning the protection and enhancement of the cultural environment; the American Indian Religious Freedom Act of 1978; the Historic Sites Act of 1978; and OMB Circular A-102).**

Based on the small size and lack of structures or recognizable archeological or historic artifacts, we believe the Fox Hole problem area is not eligible for the National Register of Historic Places.

A letter requesting concurrence for the 2016 Bowman Project was sent to the North Dakota State Historical Society December 15, 2015. A response received December 24 concurs with a "No Significant Sites Affected" determination.

- B. Water quality values (Clean Water Act, as amended)**

The problem area is located in an area of rolling topography and in a watershed that flows generally northwestward toward the east fork of Deep Creek and ultimately to the Little Missouri River. Runoff from the highwall areas flows into the mine pits. After reclamation, runoff will likely remain self-contained within the reclaimed area. Erosion and sedimentation within the project area could be controlled with best management practices using wattles, mulch or erosion control mats until an effective vegetative cover can be established.

A letter requesting concurrence for the 2016 Bowman Project was sent to the North Dakota State Department of Health December 15, 2015 and a response is pending.

- C. Wetlands values (Clean Water Act, Executive Order 11990, and Army/EPA Memorandum of Agreement (MOA) Concerning the Determination of Mitigation under the Section 404(b) (1) Guidelines)**

There are no wetlands within this problem area. Reclamation activities should not affect any wetland areas.

- D. Flood values (Executive Order 11988)**

The project areas are not contained within an identified floodplain.

- E. Wildlife (Endangered Species Act and Fish and Wildlife Coordination Act)**

Because of the location, grassed vegetative cover and small size of the Fox Hole problem area, it is unlikely any endangered species would inhabit it, or that reclamation activities would permanently or significantly affect any wildlife species. The site does not appear to contain any important or highly valuable wildlife habitat.

A letter requesting concurrence for the 2016 Bowman Project was sent to the U. S. Fish and Wildlife Service December 15, 2015, and a response is pending.

F. Prime and unique farmland values (Farmland Protection Policy Act)

No prime farmland has been identified on proposed project areas.

G. Recreational resource values (Wild and Scenic Rivers Act, Clean Air Act)

There are no lands in actual or proposed project areas classified as Wilderness Area or lands being studied for wilderness.

There are no lands in actual or proposed project areas identified as areas of critical environmental concern.

There are no lands in actual or proposed project areas included in the Wild and Scenic River category.

There are no parks or areas of critical ecological or aesthetic concern in actual or proposed project areas.

H. Air quality (Clean Air Act)

This problem area is not in or near a Class I air quality region.

I. Socioeconomic factors

There will be no adverse socioeconomic effect from the reclamation of these sites.

It is possible that work contracted for the reclamation of this problem area could result in slightly higher local employment and revenues. The project should also make the land more agriculturally useful, and this would be a benefit to the property owners and the public.

J. Political factors

We have spoken with property owners for the Fox Hole problem area and they support the 2016 Bowman Project to reclaim abandoned surface mine highwalls on the problem area. We will continue to meet with them to make the project as consistent with their preferences as possible. We have also spoken with John Brosz, Brosz Engineering, which serves as the Bowman County Engineer, and he expressed support for the project.

K. Existing Vegetative Cover

Vegetation within actual and proposed project areas varies widely but the steepness of the highwall and nature of the spoil materials in areas affected by abandoned mines often precludes the growth of most grass and forb species.

L. Threatened and Endangered Plant Species

No threatened or endangered plant species have been identified within the proposed project areas.

A letter requesting concurrence for the 2016 Bowman Project was sent to the Natural Resources Division of the North Dakota Parks and Recreation Department December 15, 2015, and a response is pending.

M. Anticipated Dates of Reclamation

The project is expected to be conducted in the late summer or fall of 2016. If necessary it could be delayed until 2017 or later.

N. Estimated Construction Cost

The estimated cost for the proposed 2016 Bowman Project is \$200,000.

O. Offsite Borrow and Disposal Areas

There should be no off-site borrow or disposal area concerns relative to any projects at this site. If off-site borrow or disposal issues arise, applicable environmental regulations will be addressed through the North Dakota Department of Health.

P. Noise Pollution

Noise pollution problems are not anticipated; however, if problems arise, remedial action measures could be addressed in consultation with the North Dakota Department of Health.

Section V Consultations

A letter requesting concurrence for the 2016 Bowman Project was sent to the North Dakota State Historical Society December 15, 2015. A response received December 24 concurs with a ***"No Significant Sites Affected"*** determination.

A letter requesting concurrence for the 2016 Bowman Project was sent to the U. S. Fish and Wildlife Service December 15, 2015 and a response is pending.

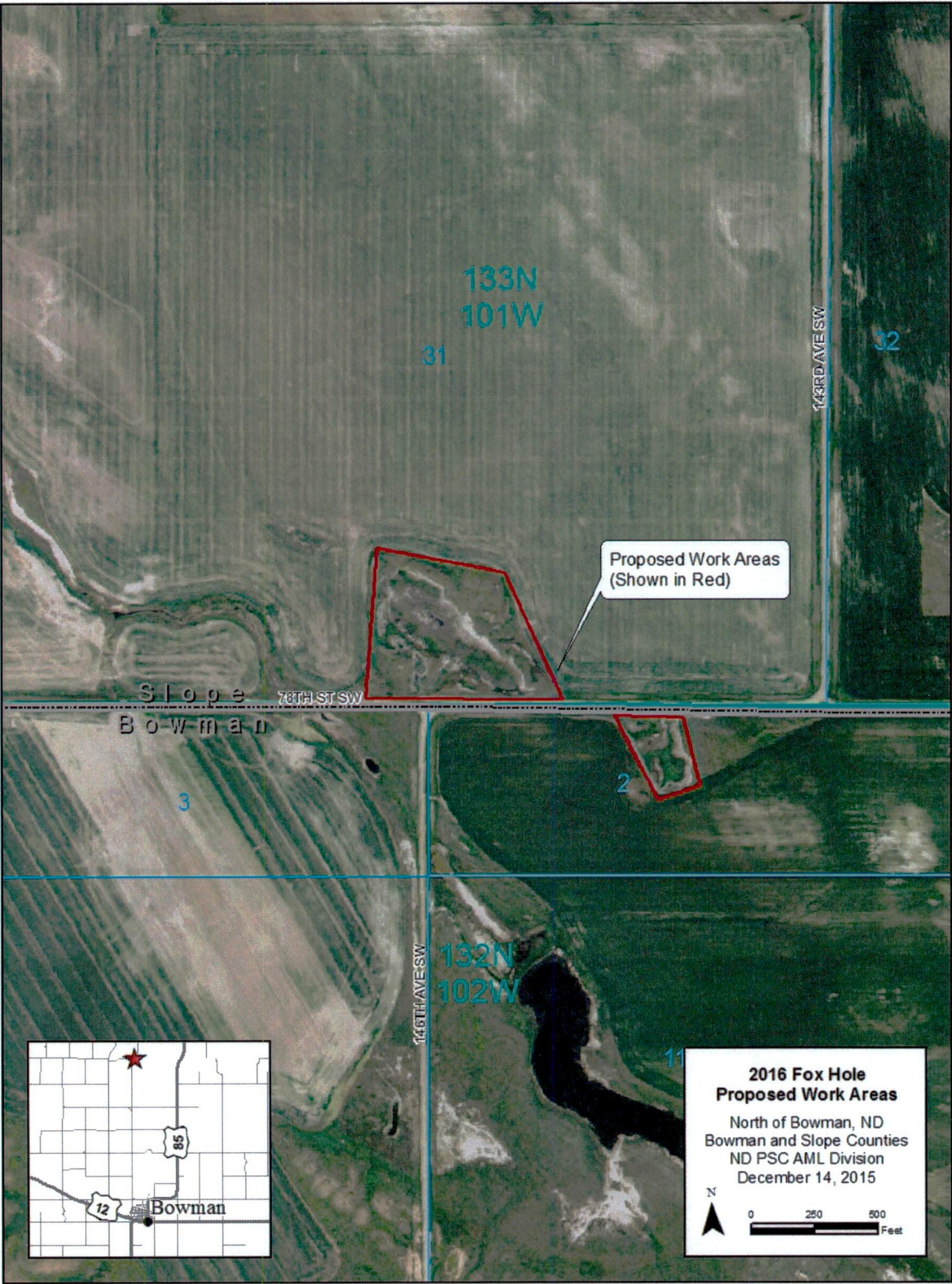
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A letter requesting concurrence for the 2016 Bowman Project was sent to the North Dakota State Department of Health December 15, 2015 and a response is pending.

Section VI Preparers



William E. Dodd
Assistant Director - AML Division
North Dakota Public Service Commission



BOWMAN COUNTY

Planning Unit 004: AML Printout # 18: T132N, R102W, Section 2

Additional Legal Location: None

Name:

Owner:

No data

No data

Category: No data

Type: No data

Overburden:	Coal Seam:	Thickness Mined:	Source:
No data	No data	No data	Not applicable

Cultural Resource Site Number: Not formally recorded

Basic Data (excerpted from primary sources):

None

Descriptive information pertaining to this mine is included in:

[source:year(pages)]

Not applicable

Notes:

None

Sources (primary and secondary):

None

SLOPE COUNTY

Planning Unit 004: AML Printout #531: T133N, R101W, Section 31, SE

Additional Legal Location: None

Name:

Owner:

No data

No data

Category: No data

Type: No data

Overburden:	Coal Seam:	Thickness Mined:	Sources
No data	No data	No data	Not applicable

Cultural Resource Site Number: Not formally recorded

Basic Data (excerpted from primary sources):

Kepferle and Culbertson (1955) refer to an abandoned mine at T133N, R101W, Section 31, SE; however, they do not provide a mine name and no additional data or named mines were noted in association with the legal location identified by this Planning Unit and AML location.

Descriptive information pertaining to this mine is included in:

[source:year(pages)]

None

Notes:

None

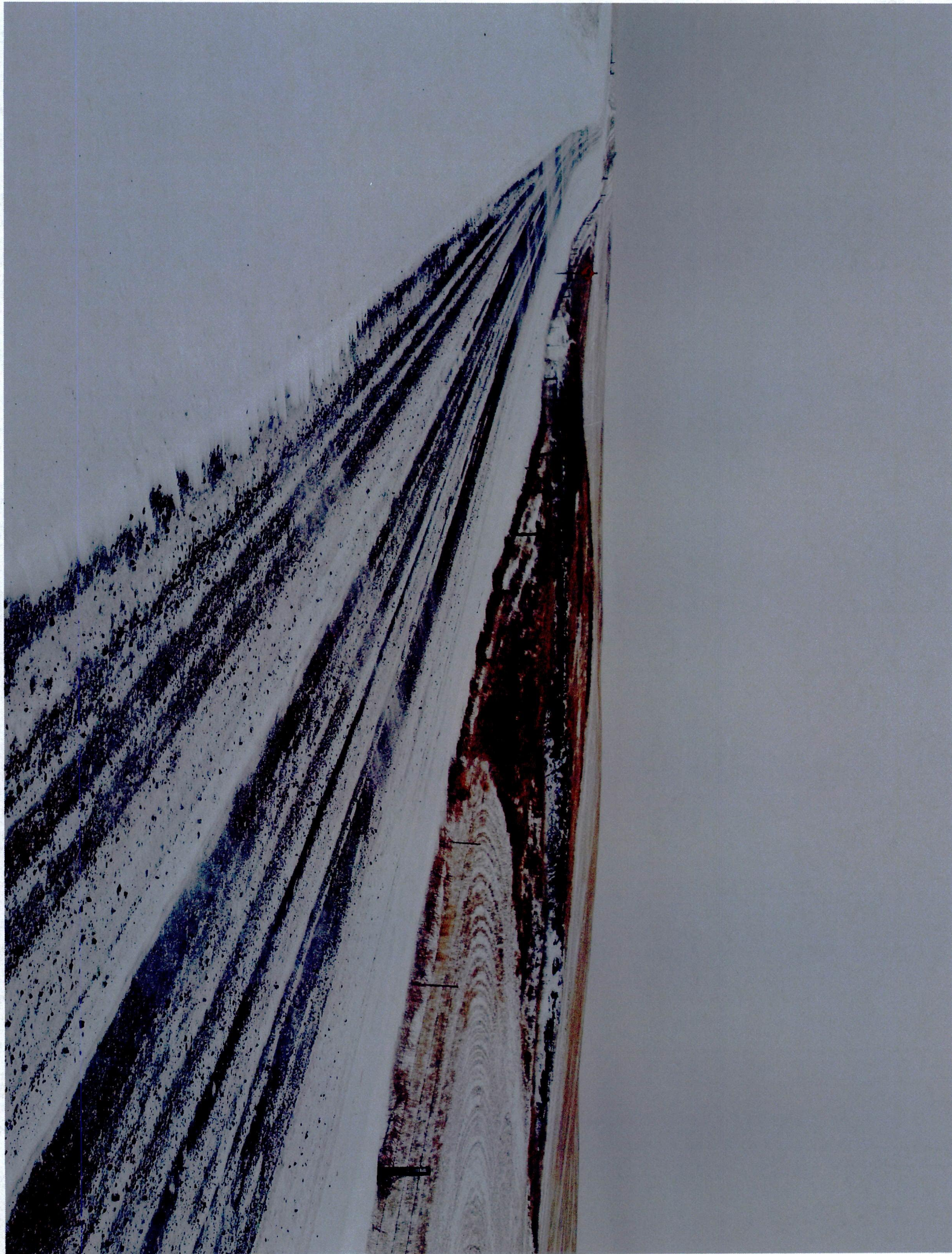
Sources (primary and secondary):

Kepferle and Culbertson:1955(Plate 16)











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December 15, 2015

Kathy Duttonhefner
ND Parks & Recreation Department
1835 Bismarck Expressway
Bismarck, ND 58504

Dear Ms. Duttonhefner:

The Public Service Commission is planning reclamation activities in 2016 at Abandoned Mine Lands (AML) Sites near Wilton and Bowman. We also expect to conduct sinkhole filling projects in western North Dakota as needed. The Wilton and sinkhole filling projects are continuations of previously approved work which have already received concurrence from your office, so no further concurrence is required for those. However, I do request your concurrence for the proposed 2016 Bowman Project.

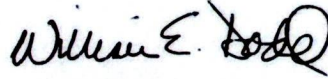
This proposed project is located about six miles north of Bowman in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T132N, R102W, Bowman County and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 31, T133N, R101W, Slope County, North Dakota (see attached map). We have no historical information for these abandoned surface mines but, based on historical imagery, we know they were operated prior to 1957. These are relatively small abandoned mines but are located directly adjacent to a county road. A property owner requested this reclamation project and county authorities also support it.

These abandoned surface coal mines contain mine pits with steep highwalls about 10-30 feet high. Our plans are to backfill the pits with on-site mine spoil and reduce the steepness of the highwalls. All areas affected will be reseeded with locally adapted grass species native to western North Dakota. No pit dewatering is planned and erosion and sedimentation will be controlled. The total area affected by this project will be approximately ten acres.

As part of the project approval process, our office requests concurrence that the proposed reclamation work will not adversely affect any threatened, endangered or rare plant species. Please reply regarding this proposed project by January 15, 2016.

Attached are maps showing general locations of the proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdodd@nd.gov or 701.328.4101.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Dodd", with a stylized flourish at the end.

William E. Dodd,
Assistant Director
Abandoned Mine Lands Division

Enclosure

Minedata/AML/2016/2016_Advsry_auth_to_proceed_ltr_12-15-15



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Fax: 701-328-2410
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December 15, 2015

Susan Quinnell
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505-0830

Dear Ms. Quinnell:

The Public Service Commission is planning reclamation activities in 2016 at Abandoned Mine Lands (AML) Sites near Wilton and Bowman. We also expect to conduct sinkhole filling projects in western North Dakota as needed. The Wilton and sinkhole filling projects are continuations of previously approved work which have already received concurrence from your office, so no further concurrence is required for those. However, I do request your concurrence for the proposed 2016 Bowman Project.

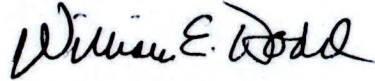
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These abandoned surface coal mines contain mine pits with steep highwalls about 10-30 feet high. Our plans are to backfill the pits with on-site mine spoil and reduce the steepness of the highwalls. All areas affected will be reseeded with locally adapted grass species native to western North Dakota. No pit dewatering is planned and erosion and sedimentation will be controlled. The total area affected by this project will be approximately ten acres.

As part of the project approval process, our office requests concurrence that the proposed reclamation work will not adversely affect any historical or archaeological resources. Please reply regarding this proposed project by January 15, 2016.

Attached are maps showing general locations of the proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdodd@nd.gov or 701.328.4101.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Dodd". The signature is fluid and cursive, with the first name "William" being more prominent.

William E. Dodd,
Assistant Director
Abandoned Mine Lands Division

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December 15, 2015

Mr. Karl Rockeman, P.E.,
Director of Water Quality
North Dakota Department of Health
Gold Seal Center
918 East Divide Avenue
Bismarck, ND 58501-1947

Dear Mr. Rockeman:

The Public Service Commission is planning reclamation activities in 2016 at Abandoned Mine Lands (AML) Sites near Wilton and Bowman. We also expect to conduct sinkhole filling projects in western North Dakota as needed. The Wilton and sinkhole filling projects are continuations of previously approved work which have already received concurrence from your office, so no further concurrence is required for those. However, I do request your concurrence for the proposed 2016 Bowman Project.

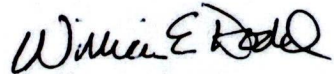
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These abandoned surface coal mines contain mine pits with steep highwalls about 10-30 feet high. Our plans are to backfill the pits with on-site mine spoil and reduce the steepness of the highwalls. All areas affected will be reseeded with locally adapted grass species native to western North Dakota. No pit dewatering is planned and erosion and sedimentation will be controlled. The total area affected by this project will be approximately ten acres.

As part of the project approval process, our office requests concurrence that the proposed reclamation work will not adversely affect any surface or groundwater resources. Please reply regarding this proposed project by January 16, 2015.

Attached are maps showing general locations of the proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdodd@nd.gov or 701.328.4101.

Sincerely,

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William E. Dodd,
Assistant Director
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December 15, 2015

Mr. Kevin Shelley, Acting Field Supervisor
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, ND 58501-7926

Dear Mr. Shelley:

The Public Service Commission is planning reclamation activities in 2016 at Abandoned Mine Lands (AML) Sites near Wilton and Bowman. We also expect to conduct sinkhole filling projects in western North Dakota as needed. The Wilton and sinkhole filling projects are continuations of previously approved work which have already received concurrence from your office, so no further concurrence is required for those. However, I do request your concurrence for the proposed 2016 Bowman Project.

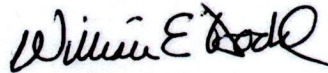
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As part of the project approval process, our office requests concurrence that the proposed reclamation work will not adversely affect any threatened, endangered or rare animal species. Please reply regarding this proposed project by January 15, 2016.

Attached are maps showing general locations of the proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdodd@nd.gov or 701.328.4101.

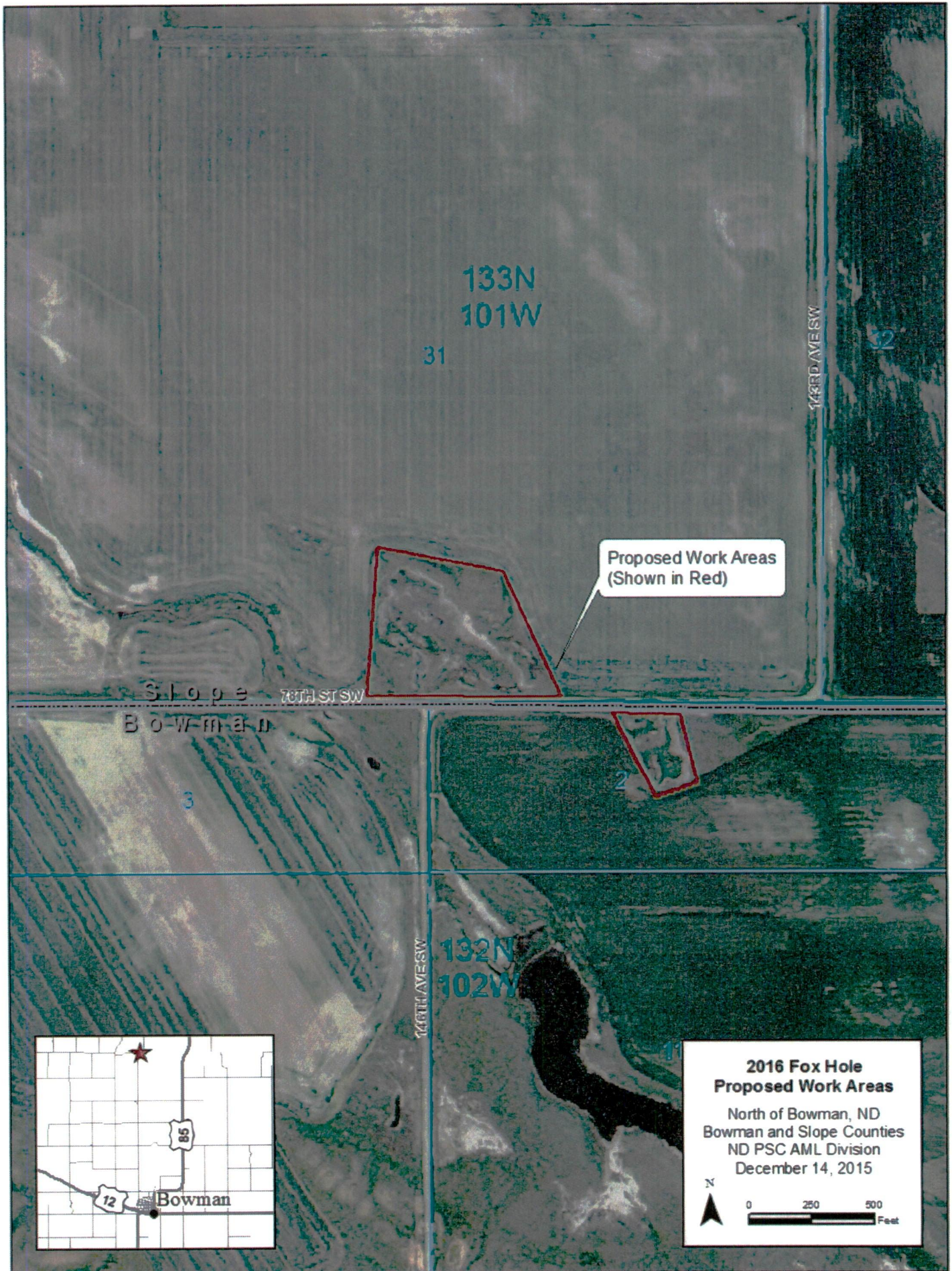
Sincerely,

A handwritten signature in black ink, appearing to read "William E. Dodd". The signature is fluid and cursive, with a large, stylized "D" at the end.

William E. Dodd,
Assistant Director
Abandoned Mine Lands Division

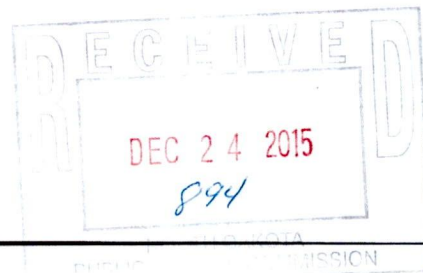
Enclosure

Minedata/AML/2016/2016_Advsry_auth_to_proceed_ltr_12-15-15





**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**



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December 21, 2015

Mr. William E Dodd
Assistant Director
Abandoned Mine Lands Division
Public Service Commission
600 East Boulevard Avenue Dept 408
Bismarck, ND 58505

ND SHPO Ref: 16-0500 PSC Abandoned Mine Lands Two sites to reclaim in portions of [T132N R102W Section 2 Bowman County and NW NW and T133N R202W Section 31, S ½ of SE ¼ Slope County] North Dakota

Dear Mr. Dodd,

We reviewed ND SHPO Ref: 16-0500 PSC Abandoned Mine Lands Two sites to reclaim in portions of [T132N R102W Section 2 Bowman County and NW NW and T133N R202W Section 31, S ½ of SE ¼ Slope County] North Dakota.

We concur with a ***"No Significant Sites Affected"*** determination provided the locations are of the nature stated and each takes place in the plotted location provided in the project documentation.

Thank you for the opportunity to review this project. Please include the ND SHPO reference number listed above in any further correspondence for this specific project. If you have any questions, please contact either Paul Picha at (701) 328-3574 or ppicha@nd.gov or Susan Quinnell at (701) 328-3576 or squinnell@nd.gov.

Sincerely,

Claudia J. Berg
Director, State Historical Society of North Dakota



Public Service Commission

State of North Dakota

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ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

January 12, 2016

Mr. Jeff Fleischman, Chief
Denver Field Division
Office of Surface Mining
P.O. Box 11018
Casper WY 82602-5004

RE: Eligibility Determination for 2016 Bowman (Fox Hole) AML Project in North Dakota.

Dear Mr. Fleischman:

This letter is submitted under 30 CFR 874.12 as the required eligibility determination for lands included in the proposed abandoned mine lands reclamation projects. Legal descriptions for these lands are included with the request for authorization to proceed and are summarized below:

2016 Bowman (Fox Hole) Project: NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 2, T132N, R102W, Star Township, Bowman County; S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 31, T133N, R101W, Sheets Township, Slope County

Eligibility Determination - 30 CFR 874.12

The requirements of this section of the Abandoned Mine Reclamation Program set forth the following criteria for eligibility for reclamation activities (paraphrased):

- a. Was the real property subjected to coal mining and related processes?
- b. Did the coal mining process on the real property occur prior to August 3, 1977, and was said real property left or abandoned in an unreclaimed or inadequately reclaimed condition? and,

- c. Is there continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under the statutes of the State of North Dakota or the government of the United States?

Based upon available historical information, I find that the described real properties were mined for coal; that the coal mining activity occurred prior to August 3, 1977; and, that the property has been left in an abandoned and unreclaimed state. I further find that there is no continuing responsibility for reclamation by the operator, permittee or agent of the permittee under statutes of the State of North Dakota or the government of the United States.

Based on these findings, it is my opinion that the described real properties meet the eligibility requirements of 30 CFR 874.12 for abandoned mine reclamation.

Sincerely,



James R. Deutsch
Director
Reclamation and AML Divisions



U.S. Department of the Interior

Office of Surface Mining Reclamation and Enforcement

e-AMLIS Problem Area Description

PAD Status: Approved

Date Prepared: 6/9/2008

Prepared By: William Dodd

Phone: 701-328-4101

Date Revised: 1/5/2016

Field Contact:

Phone:

AMLIS Key: ND0000001

PA Name: WILTON

PU Name: BURNT CREEK

PU Number: 72

Latitude: 47.14836

Longitude: -100.727931

State/Tribe: North Dakota

County: BURLEIGH

Cong Dist: 1

FIPS Code: 38015

Watershed: PAINTED WOODS-SQUARE
BUTTE

HUC Code: 10130101

Quadrangle: WILTON

Mining Type: B

Surface Owners: Private 80%, State 20%

Ore Types:

Problem Summary

Problem	Unfunded		Funded		Completed		Total	
Prio/Type/Fund	Units	Costs	Units	Costs	Units	Costs	Units	Costs
1 DH SGA	15,300	2,264,400.00	0	0.00	2,916	431,586.00	18,216	2,695,986.00
2 P SGA	0	0.00	0	0.00	1	2,000.00	1	2,000.00
3 S RUA	0	0.00	0	0.00	6	1,216.00	6	1,216.00
4 S SGA	1,200	2,011,262.00	0	0.00	159	1,488,738.00	1,359	3,500,000.00
5 S SEA	0	0.00	0	0.00	0.1	2,016.00	0	2,016.00

Priority Totals

1 Total	-	0.00	-	0.00	-	3,232.00	-	3,232.00
2 Total	-	4,275,662.00	-	0.00	-	1,922,324.00	-	6,197,986.00
3 Total	-	0.00	-	0.00	-	0.00	-	0.00
4 AD Total	-	4,275,662.00	-	0.00	-	1,925,556.00	-	6,201,218.00



U.S. Department of the Interior Office of Surface Mining Reclamation and Enforcement

e-AMLIS Problem Area Description

PAD Status: Approved

Date Prepared: 1/15/1988

Prepared By: William Dodd

Phone: 701-328-4101

Date Revised: 1/5/2016

Field Contact:

Phone:

AMLIS Key: ND000041

PA Name: FOX HOLE

PU Name: TWIN BUTTE

PU Number: 4

Latitude: 46.28

Longitude: -103.409

State/Tribe: North Dakota

County: BOWMAN

Cong Dist: 1

FIPS Code: 38011

Watershed: MIDDLE LITTLE MISSOURI

HUC Code: 10110203

Quadrangle: STEWART LAKE

Mining Type: S

Surface Owners: Private 100%

Ore Types:

Problem Summary

Problem Priority/Type/Fund	Unfunded		Funded		Completed		Total	
	Units	Costs	Units	Costs	Units	Costs	Units	Costs
1 DH SGA	1,100	200,000.00	0	0.00	0	0.00	1,100	200,000.00
2 SA SGA	20	70,000.00	0	0.00	0	0.00	20	70,000.00

Priority Totals

1 Total	-	0.00	-	0.00	-	0.00	-	0.00
2 Total	-	200,000.00	-	0.00	-	0.00	-	200,000.00
3 Total	-	70,000.00	-	0.00	-	0.00	-	70,000.00
AD Total	-	270,000.00	-	0.00	-	0.00	-	270,000.00